

## **REMARKS/ARGUMENTS**

Claims 15-46 are pending. Claims 1-14 are canceled without prejudice or disclaimer of the subject matter recited therein. Claims 15, 26, and 41 are amended. Claims 42-46 are new. The amendments and new claims are supported in the specification of the application as filed, for example in paragraphs [0033]-[0040] (of the published application). No new matter has been added.

### **Rejections under Obviousness-type Double Patenting**

Claims 1-10 and 13-14 were rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-2, 5-10, 12-13, and 16-17 of Rowe et al., U.S. Patent No. 6,969,319 (hereinafter “Rowe”), in view of Thacher et al., U.S. Patent No. 5,917,725 (hereinafter “Thacher”). Accordingly, a terminal disclaimer is being filed with this response.

### **Rejections under 35 U.S.C. § 103**

Claims 1, 15, 26, and 41 were rejected under 35 U.S.C. § 103(a) as obvious in view of Thacher. Claims 5-8, 12, 14, 37, and 39-40 were rejected under 35 U.S.C. § 103(a) as obvious in view of Thacher and Sarbin et al., U.S. Patent No. 5,179,517 (hereinafter “Sarbin”). Claims 16-25 and 27-36 were rejected under 35 U.S.C. § 103(a) as obvious in view of Thacher and Saunders et al., U.S. Patent No. 6,340,331 (hereinafter “Saunders”). Claims 2-4 and 9-11 were rejected under 35 U.S.C. § 103(a) as obvious in view of Thacher and Luciano et al., U.S. Patent No. 6,500,067 (hereinafter “Luciano”). Claims 13 and 38 were rejected under 35 U.S.C. § 103(a) as obvious in view of Thacher and Mish (U.S. Patent No. 6,254,006) (hereinafter “Mish”).

It is respectfully submitted that the claims are not obvious for at least the following reasons.

By way of example, claim 15 defines a gaming machine. Claim 15 recites:

circuitry for receiving data from a promotional device in communication with the gaming machine, the circuitry configured to:

**retrieve, from the promotional device, information identifying an indicia of credit for use in wager-based gaming;**

**retrieve, from the promotional device, information identifying a specific gaming application, the indicia of credit being limited to use only with instances of the specific gaming application;**

**retrieve, from the promotional device, player identification information for a specific player associated with the promotional device,**

a processor configured to:

generate play of a wager-based game;

**determine, based at least in part on the retrieved information identifying the specific gaming application, whether an instance of the specific gaming application is available for play on the gaming machine;**

authenticate, using the retrieved player identification information, the specific player associated with the promotional device; and

**determine, based at least in part on the determination as to whether an instance of the specific gaming application is available for play, whether or not to apply the indicia of credit for use on the gaming machine.**

Such functionality can facilitate promotional offers directed to targeted individuals to promote a specific gaming application, as noted in the following portion of the application as filed:

According to the present invention, mechanisms are provided by which the use of a particular gaming machine or group of gaming machines may be promoted to specific players. That is, specific embodiments of the present invention enable the distribution and use of game-specific and player-specific credits. More specifically, the present invention provides promotional devices and methods for using such a devices [sic]. The promotional device, which is associated with a specific player, has indicia of credit associated therewith for effecting operation of a specific gaming application on a gaming machine which is in communication with the promotional device. The promotional device identifies the specific player and the specific gaming application and limits use of the credit thereto.

(Id. at page 3, ¶ 1.)

The Office Action suggests that the credit card described in Thacher is analogous to the promotional device recited in the claims. (Office Action, page 8, lines 16-19). This assertion is respectfully traversed. As understood, the only value described in Thacher as stored on the credit card is an “assigned number,” which seems to be a unique identifier assigned to a tournament participant. (Col. 6, lines 10-16). For example, each player’s credit is stored on terminal 11 or central computer 6 illustrated in Figure 1 of Thacher, not on the credit card. (Col. 6, lines 33-42). Thus, the card readers described in Thacher receive the assigned number when a player enters a credit card into a card reader (Col. 6, lines 58-65), but Thacher does not describe any other information being stored on the card.

In contrast to the teachings of Thacher, the gaming machine recited in claim 15 retrieves “information identifying an indicia of credit,” “information identifying a specific gaming application,” and “player identification information” from the promotional device. Since Thacher does not describe any such information being stored on the credit card, Thacher fails to disclose or suggest the retrieving operations recited in claim 15. Further, since Thacher fails to disclose or suggest retrieving information from a promotional device identifying a specific gaming application, Thacher necessarily fails to disclose or suggest indicia of credit limited to use with instances of a specific gaming application “based at least in part on the retrieved information identifying the specific gaming application, whether an instance of the specific gaming application is available for play on the gaming machine.”

In addition, the Office Action suggests that the credit described in Thacher is applicable only to a specific gaming application. (Office Action, pages 9-10). For example, the Office Action states:

Applicant argues that Thacher does not teach that the credit card stores indicia of credit applicable only to a specific gaming application. Examiner submits that the credit cards used for game play by the player are encoded with money value/game units for a player credit amount to be used to wager on a specific/addressed video game and a video game identification number for the specific game to be played since the video game identification number and assigned player number are received by the central computer from the credit card inserted at the terminal by the player so as to associate the stored money value/game units for particular player credit to start play of the particular addressed video game (column 6, lines 10-28 and column 7, lines 5-19, Thacher).

(Id. at page 21, lines 11-20).

The Office Action correctly states that a player in the tournament system described in Thacher can use credit at a specific or addressed video game by inserting a credit card at that video game. However, the credit stored on the server or terminal and accessed by using the credit card is not limited to use at a specific video game machine or with a specific kind of game. Instead, players can use credit to play any video game connected to the tournament system.

In fact, it is respectfully submitted that Thacher teaches away from such functionality. For example, Thacher states: “Until now, however, it was not reasonably possible to allow players of different kinds of games to enter the same tournament. As one of the advantages of the present invention, such a tournament is facilitated.” (Col. 1, lines 23-25). Further, Thacher states: “The present invention further provides for the first time a tournament system in which people of widely varying skills can play different kinds of games of skill at diverse locations while participating in the tournament.” (Col. 1, lines 60-63). Thus, in Thacher’s tournament system, a player can select a specific video game from among various kinds of games and then use the stored credit at the selected game. Therefore, the credit described in Thacher is not limited to use with a specific gaming application.

In contrast to the teachings of Thacher, the claims recite indicia of credit limited to use with a specific gaming application. That is, although many different gaming applications may be available (e.g., at gaming machines in a casino), the indicia of credit stored on the promotional device is limited to use with instances of a specific gaming application. Therefore, as recited in claim 14, the gaming machine determines “whether or not to apply the indicia of credit for use on the gaming machine.” This determination is “based at least in part on the determination as to whether an instance of the specific gaming application is available for play.”

Thus, if the specific gaming application to which use of the credits is limited is available for play on the gaming machine, the gaming machine may apply the indicia of credit for use. However, if the indicia of credit are limited to a specific gaming application that is not available on the gaming machine, the indicia of credit will not be applied for use on the gaming machine. In this way, a player may be encouraged to play a specific gaming application (e.g., a new or underutilized gaming application) by providing the player with indicia of credit limited to use with instances of that specific gaming application.

Since the credits described in Thacher are applicable to different kinds of games, Thacher fails to disclose or suggest indicia of credit “limited to use only with instances of the specific gaming application,” as recited in claim 15. Further, since Thacher fails to disclose or suggest indicia of credit limited to use with instances of a specific gaming application, there would be no reason in Thacher’s tournament system to “determine, based at least in part on the determination as to whether an instance of the specific gaming application is available for play, whether or not to apply the indicia of credit for use on the gaming machine,” as recited in claim 15. Thus, Thacher fails to disclose or suggest making such a determination.

Thus, claim 15 recites features not disclosed or suggested in Thacher. Therefore, claim 15 is not obvious in view of Thacher. Independent claims 26, 41, and 42 recite features similar to claim 15 and, therefore, are not obvious for at least the same reasons as claim 15.

The dependent claims include, by virtue of their dependency, the features of the independent claims on which they are based. Therefore, the dependent claims are not obvious for at least the same reasons as their respective independent claims. Therefore, it is respectfully requested that the rejection of the claims under 35 U.S.C. § 103(a) be withdrawn.

Sarbin, Saunders, Luciano, and Mish are not cited as disclosing or suggesting any element of an independent claim and, therefore, are not discussed herein. However, the lack of a rebuttal to the assertions in the Office Action regarding these references does not constitute an admission.

## **CONCLUSION**

For at least the above reasons, Applicants believe all claims now pending in this application are in condition for allowance. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner believe that there are any further issues that need to be resolved before a Notice of Allowance is issued, Applicants' attorney requests that the Examiner contact him at the telephone number indicated below.

The Commissioner is hereby authorized to charge any additional fees, including any extension fees, which may be required or credit any overpayment directly to the account of the undersigned, No. 50-4480 (Order No. IGT1P063X1).

Respectfully submitted,

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